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SB991 RELATING TO PLANNING

House Committees on
Planning and Economic Development
Ocean and Marine Resources
Intergovernmental Relations and International Affairs

Public Hearing - March 16, 1992
8:30 AM; Rm 1206 SOT

By
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SB 991 would transfer authority for approval of development projects statewide from county planning commissions to the elected county councils.

Our statement on this bill does not constitute an institutional position of the University of Hawaii.

Our reviewers note that issues raised by this bill are both complex and subtle. For the most part, while there appear to be compelling arguments for uniformity among county planning processes, it is by no means clear on Constitutional and political grounds that the county councils are the appropriate decisionmaking authority for proposed developments.

As developed in Standing Committee Report 1987, the rationale for such redirection of approval authority is predicated on the assertion that these actions constitute policy decisions. Constitutionally, policy articulation is the prerogative of the Legislative, as opposed to the Executive, branch of government. Hence, the argument goes, the appropriate body for these actions is an elected legislative body, the county councils. The problem with this logical development is that the original premise of the policy nature of these actions is fallacious. Policy is not articulated through the approval or rejection of specific project proposals. In the area of land use, policy is established legislatively through the provisions of Chapter 205, Chapter 205A (which conforms to provisions of the Federal